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Fixing Whitehall's broken policy machine

Jonathan Slater

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About the author

Following a 35-year career as a public servant, **Jonathan Slater** has established a non-executive portfolio of academic, advisory and charitable work. He is a visiting professor at the Policy Institute, King's College London, and at Queen Mary University London, and is on the board of the Institute for Government, Sheffield Hallam University, Morley College and the Charter Schools Education Trust, as well as the Advisory Council of the University of Cambridge Centre for Science and Policy and the Council of the Federation of Education Development.

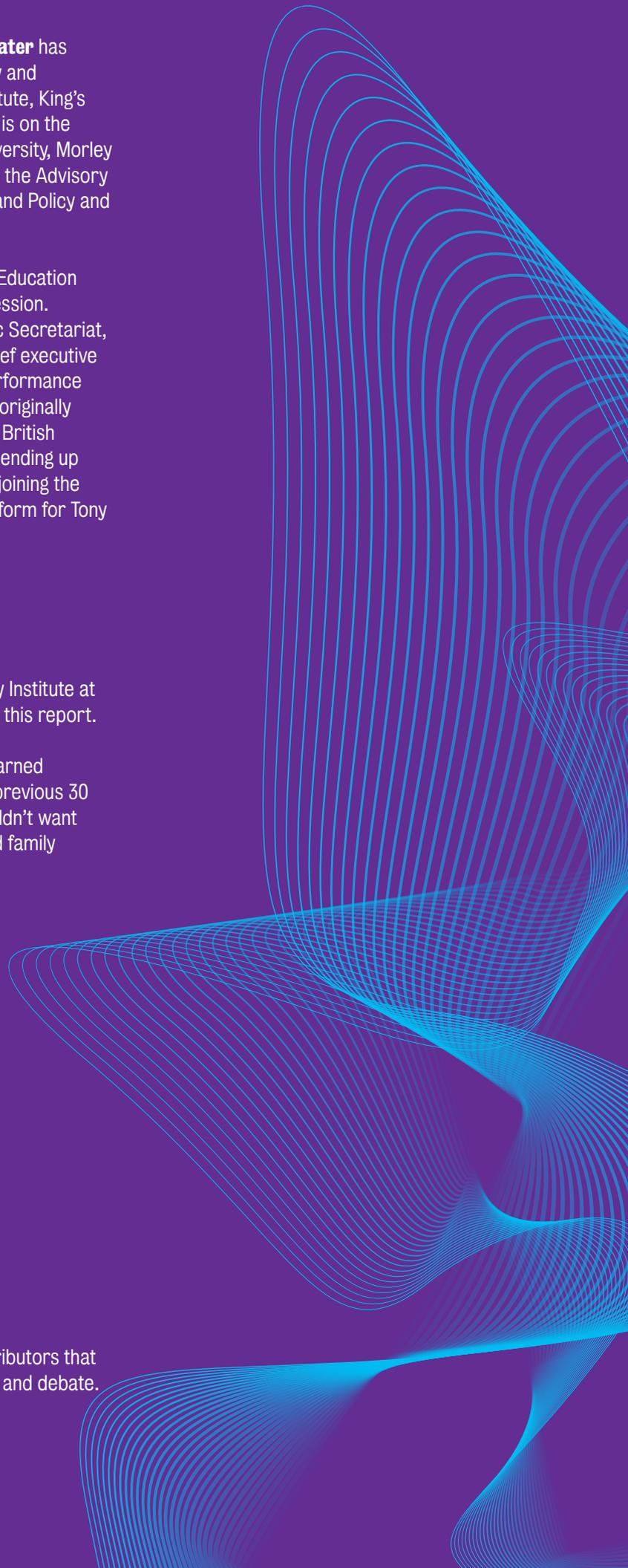
Jonathan was permanent secretary of the Department for Education from 2016 to 2020, and head of the civil service policy profession. Before that, he was the head of the Economic and Domestic Secretariat, director general transformation at Justice and Defence, chief executive of the Office of Criminal Justice Reform, and director of performance and improvement for prisons and probation. Jonathan was originally a mathematician, working as an operational researcher for British Rail, before joining first Newham and then Islington Council, ending up as deputy chief executive and director of education before joining the Cabinet Office in 2001. Here he worked on public service reform for Tony Blair and civil service reform for Gus O'Donnell.

Acknowledgements

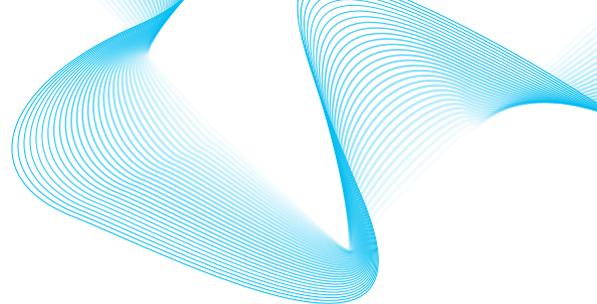
With thanks to Bobby Duffy and Rachel Hesketh of the Policy Institute at King's College London for their help and advice in preparing this report.

And many thanks also to a great many people who I have learned from, not just during the writing of this paper, but over the previous 30 years too. There are far too many to list them all, and I wouldn't want to embarrass current civil servants or politicians, or indeed family members, but you know who you are.

The Policy Institute often publishes papers from guest contributors that we think will make a useful contribution to public knowledge and debate. The views expressed in this paper are the author's alone.



Introduction



... ever since moving from local to central [government], I have felt there is something wrong with the way that Whitehall does policy”

I've been lucky enough to work for politicians for most of my life. Although it was over 30 years ago, I still remember with awe the energy that Islington leading councillors brought to tackling inequality, and the skill and commitment the opposition showed in taking control of the council from when they ran out of steam. And since arriving in Whitehall, I have had the honour of sitting on Tony Blair's (in) famous sofa and around his cabinet table, making a minor contribution alongside some very impressive people; arguing with Ken Clarke and laughing at his jokes; and serving four education secretaries (as well as dancing for charity with a fifth while being watched by a sixth).

I have also been lucky enough to help make a bit of a difference to some people's lives, including Islington schools who needed better support to help their pupils do well in their GCSEs, prisoners who wanted to go straight if only they could get the assistance they needed, and teachers who deserved better training in the early part of their school careers.

Although to be honest, not as much of a difference as I would have hoped 30 years ago.

Looking back on a career of policymaking and delivery, in both local and central government, I have been inspired by some people, depressed by others, but largely impressed by public servants working hard to, well, serve the public. But ever since moving from local to central, I have felt there is something wrong with the way that Whitehall does policy. Working for an inspiring, capable minister in a competent government clearly makes for better policy than working for an egotistical, incapable minister in an incompetent one. But whoever the minister, I have found myself asking, over and over again:

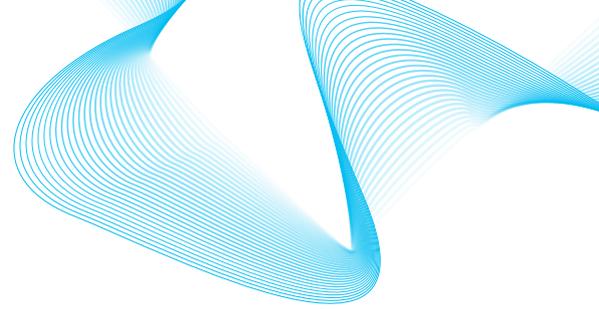
Why is the civil service policy machine so often divorced from the realities of delivery and the experiences of those who are supposed to benefit from it, and what can be done to fix it?

And now, having left the civil service (albeit with more than a bump than anticipated), I have the time to try and answer these questions properly.

In doing so, I have of course reflected on my own experiences drawn from more than 20 years in the civil service and 10 years in local government before that. But I have also spoken to a diverse range of people with all sorts of great insights. I have found myself having tea and biscuits (even sometimes homemade) with more than one former cabinet secretary, as well as with ex-permanent secretaries and other civil servants – people who have worked for governments from the 1970s through to the present day. I have had fascinating conversations with a number of ex-ministers too, as well as with ministers and civil servants from countries including New Zealand, Singapore and Taiwan, providing fresh perspectives alongside those I had previously gained from colleagues in continental Europe and North America. I have checked in with local government colleagues too, to make sure that my comments about how councils work are up to date. And I have benefited from the perspectives of many others with a professional interest in good government, working in think tanks, institutes and academia.

The conclusions I have reached are those of a practitioner with a first-hand understanding of the challenges and pressures that the civil service faces, and with a deep affection for it. I have no wish to point a finger of blame at individuals, especially at a time when policymaking is so difficult and demanding. Rather, my aim is to offer a constructive and practical way forward. Whether or not this call to arms is picked up – who knows? But what I do know is that this is deadly serious. I have no doubt that the forthcoming Covid-19 inquiry will show how the inadequacy of the Whitehall machine contributed to the huge death toll. And I am equally convinced that it is simply not up to the challenge of genuinely tackling climate change, however hard-working and committed its people undeniably are. So the time for action is now.

Summary



The problem: Whitehall's remoteness from the public and frontline results in policymaking which is fundamentally inadequate to address the challenges we face

- [Public engagement is core to the role of local government policymakers, so why not their Whitehall counterparts?](#) (page 9) Both local and Whitehall officials are politically neutral, advise elected politicians, and carry out their decisions. But whereas local officials are expected to engage with the public, Whitehall is not, as I learned when I made the switch myself in 2001. And as a result, civil service policy advice is all too often disconnected from reality.
- [Executive agencies prove that the civil service can understand its customers, but they are all too often kept away from policymaking](#) (page 10) The Next Steps reforms of the 1980s brought the “delivery” arms of the civil service closer to the public they serve, but left policymaking untouched. In fact, the separation of “policy” from “delivery” in the civil service actually tends to keep policymakers even further away from the reality on the ground.
- [Policymaking has always been distant from its customers](#) (page 11), particularly in those departments which don't directly manage frontline services. If you read Lord Fulton's 1968 report on the civil service for prime minister Harold Wilson you will see that this is absolutely endemic. And if you'd like some more recent evidence, as well as horror stories of the consequences, have a skim through King and Crewe's 2014 *The Blunders of Our Governments*.¹
- [My experience as a permanent secretary only reinforced what I had already come to see as Whitehall's policymaking problem](#) (page 12) Breaking down the barriers between policymakers who were experts in political “fixing” and “handling”, and their delivery counterparts who knew the subject matter and how to deliver change on the ground, was my biggest challenge pre-Covid. And during the pandemic, our inability – both in the Department for Education and across government – to put ourselves in the public's shoes will surely loom large in the forthcoming public inquiry.
- [There are encouraging examples of civil servants operating differently, but that hasn't been enough to change the dominant culture](#) (page 14) People who push back against this culture face many barriers, and become the exceptions who prove the rule. External recruits used to working differently tend either to get frustrated and leave, or conform in order to achieve acceptance.



... whereas local officials are expected to engage with the public, Whitehall is not”

The solutions: Cultural change centred on rewarding achievement, and a completely new approach to transparency and accountability

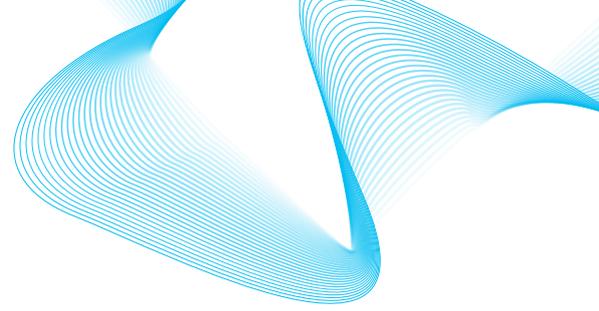
Given how longstanding and deep the problem is, solving it will require the very best, committed leadership to kick-start the necessary change, combined with the rigour and challenge of real public accountability to ensure the change is sustained and develops.

(A) The need for determined leadership to achieve a cultural shift to a fully-engaged Whitehall

- ♦ **Leadership from the top has been essential for changing the way the service works in the past, and is needed today to challenge its established culture of remoteness** (page 16) Cultural change is the most difficult of all, but it can be done. We can learn from the way in which former cabinet secretary Gus O'Donnell inspired positive change, building a strong team spirit at senior levels in place of traditional silos, and encouraging civil servants to embody his “four Ps” – pace, pride, professionalism and passion. Ministers can help, or hinder, the service in making the changes that are needed, but should not be used as an excuse for inaction.
- ♦ **Churn needs to be fixed, but progress will only be made if leaders tackle the cause of the problem, not its symptom** (page 17) Ministers rightly complain about the way in which policymaking civil servants move too quickly from job to job, and this churn has been getting worse, because previous efforts to tackle it haven't got to the source of the problem. The attribute most valued and rewarded in Whitehall is the elegant “handling” of tricky issues for ministers (which incentivises churn), rather than achieving outcomes on the ground (which reduces it).
- ♦ **As well as being immoral in itself, Whitehall's lack of diversity is another key element of its disconnectedness, but again can only be tackled successfully by leaders who are prepared to get to the cause** (page 17) The Social Mobility Commission nailed Whitehall's exclusivity, coining the phrase “studied neutrality” to describe “a particular ... accent ... emotionally detached ... intellectual ... synonymous with an advantaged background”.² They argue that this class bias at senior levels is just as strong as it was 50 years ago. It will only change when emotional detachment is called out and rejected for what it means in practice in Whitehall – not really caring whether or not your efforts achieve anything positive at all.
- ♦ **What matters is what is rewarded** (page 18) Civil servants arrive in Whitehall wanting to “make a difference”. But they soon learn that the way to get promoted is to demonstrate elegance and “political handling” skills, and inevitably start to act accordingly. This will only change once promotion opportunities depend on what you achieve on the ground. O'Donnell showed what a difference the head of the civil service can make to who gets promoted, when he tackled sexism at the top. And there are good examples of active career management to draw upon too, particularly in operational departments like DWP, in which people with high potential have been challenged to really understand operational realities before moving upwards. By the way, this can't be done if all posts are competed externally, so what is required is a thoughtful combination of career management and the introduction of new blood.
- ♦ **My experience at the DfE was revealing** (page 20) I inherited a well-designed “school immersion” programme for civil servants – which amounted to three days in a school. But what about the other 362 (minus weekends and holidays)? Of course we needed to spend time with ministers and with each other, but the balance was clearly quite wrong. The good news is that civil servants responded with genuine



Ministers rightly complain about the way in which policymaking civil servants move too quickly from job to job, and this churn has been getting worse”



enthusiasm to my call to put “the user” at the heart of their work, however hard it might appear, although we only made limited progress.



... long-term change requires the public to be put at the heart of the system”

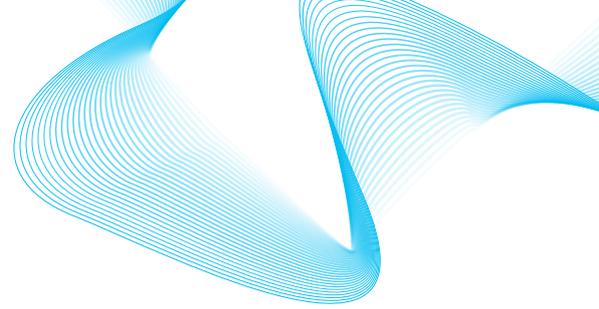
- ♦ [The civil service can change if it chooses to](#) (page 21) Those wanting to tackle detachment and disconnectedness need only to look at what was achieved in the Department for International Development, for example. All departments were independently reviewed in the mid to late 2000s, and DfID easily topped the league table, with its reviewers concluding: “DfID is a magnet for high-quality, strongly motivated people who are passionate about their mission to tackle world poverty. The vast majority of DfID staff feel proud about their job ... The quality, skills and technical expertise of DfID’s staff are universally praised by stakeholders in the development field”.

(B) The need for civil service policymakers to be publicly accountable

- ♦ [Policymakers will only be truly connected to the public when they feel accountable to them, but the current arrangements are broken](#) (page 22) Good leadership is necessary to get things moving, but long-term change requires the public to be put at the heart of the system. To those who argue that ministerial accountability is the British way, the simple response is that this way is broken, and quite inadequate to deal with the inevitably complex world of government.
- ♦ [Speaking truth to power: the exception not the rule](#) (page 24) Telling powerful people that what they want isn’t going to work is always going to be hard. And there are almost no incentives to do it in the civil service. The only systemic one – the requirement placed on permanent secretaries to seek a public “direction” from ministers if there is “significant doubt” as to the feasibility of what they want to do – is rarely applied in practice.
- ♦ [A new model of accountability is needed, opening up the secret world of policymaking](#) (page 27) In a parliamentary democracy, there is nothing “unconstitutional” about civil service policy analysis being discussed openly, rather than behind closed doors with insufficient truth being spoken. Both ministers and parliament have it within their power to rewrite the so-called “Osmotherly rules”, and to change the accountability of permanent secretaries, requiring them to report publicly on the options appraisals they do when advising ministers.
- ♦ [Accountability to the public would improve policy advice to ministers](#) (page 29) All too often, a discussion about accountability turns quickly into one about finding someone to blame if something goes wrong, even though mistakes are rarely the sole responsibility of one individual. A much better form of accountability is one which helps people to avoid significant mistakes in the first place. For example, by opening up discussion between civil servants and select committees on the risks and opportunities of policy options before ministers make their decisions. Prime minister James Callaghan took some initial steps down this path nearly 50 years ago, but they weren’t followed through. Now is the time for action.

The conclusion: where there is a will, there is a way. And there is plenty of will, as I have learned from conversations with ex-cabinet secretaries, ex-cabinet ministers and select committee chairs, civil servants, academics and many others too. So let's come together and make change happen.

1. The problem



Whitehall policymaking is fundamentally disconnected from both delivery and the people affected by it

Public engagement is core to the role of local government policymakers, so why not their Whitehall counterparts?

My last job before joining the civil service in 2001 was director of education at the London Borough of Islington. There weren't enough primary school pupils to sustain all of the local schools, so it was my job to advise the local politicians what to do. After considering all the options, my advice was to close the Angel primary school. Clearly this was going to be very disappointing for the staff, pupils and parents, and so it was only right that I should explain to them the basis on which I had come to my view. I went to the school along with the chair of the education committee, as it was his responsibility to make the decision. Neither of us found the meeting remotely comfortable – I remember unhappy pupils sitting at my feet as if it were yesterday. But both of us knew it was our job to account to them – the people most directly affected – for our actions, mine as advisor, his as decision-maker.

Although this was definitely the most difficult meeting I attended, accounting for my actions to local people was a common event over my 10 years doing a variety of different jobs for the council, whether explaining to the residents of Exmouth Market why I was not going to recommend changes to the planning rules which were turning their local shops into wine bars, or to council tenants why the building department I was running wasn't doing a better job.

In each of these and many other such meetings, it was clear what I was responsible for (advice and implementation) and what the politicians were (decisions). I never thought twice about engaging with local people in this way – it was simply part of the job. An important part too, not least because it meant that my advice was properly informed by the perspectives of these people impacted by it, people who by the way were contributing quite a bit towards my salary.

And then I arrived in Whitehall.

I thought the transition would be reasonably straightforward. Sure, central government was much bigger than local government, and responsible for all sorts of things I didn't have any background in. But the model of officials employed on permanent contracts to offer impartial advice to elected politicians, and carry out loyally their decisions whether or not that advice was accepted, sounded exactly the same.

How wrong I was.

Whitehall seemed to show surprisingly little interest in what the customers of the many services for which government was responsible thought. I wasn't expecting the same level of engagement as I'd been used to at Islington, not least because of the simple fact of geography. But not only was there little direct engagement between Whitehall and the public, there wasn't even any data on, say, what patients thought of



Whitehall seemed to show surprisingly little interest in what the customers of the many services for which government was responsible thought”

the health service, or what pupils thought of schools, or what the unemployed thought of job centres.

In fact, when I used the word “customers”, most people looked a bit puzzled, even though this was only a few years after John Major had introduced the high-profile Charter Mark, which was all about customer service. Some actually thought I was talking about ministers. No, they are the bosses, I found myself having to reply, right the way through my civil service career. The customers are the ones on the receiving end of us, whether voluntarily or otherwise.



... a lot of what people called “policy” seemed actually to be nothing of the sort”

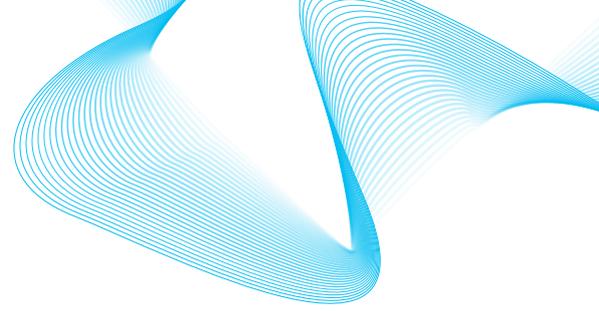
The other striking thing to a newcomer was the primacy of “policy” over everything else. It seemed that people couldn’t stop talking about it. But what did it mean? Preparing statements of intent on behalf of ministers, certainly, and explaining them to parliament. But did it include turning these statements into reality? Or was that someone else’s job? And if so, was this really good enough? What if the intent couldn’t be implemented? And more than this, a lot of what people called “policy” seemed actually to be nothing of the sort. Rather it was helping ministers to deal with a potentially hostile encounter with parliament, or the media, or some other form of “fixing”. My (least) favourite example of this is the work that policy teams do each December to offer up a series of “announceables” – minor initiatives that ministers can announce in the hope that they’ll be noticed despite their insignificance because nothing else is going on. Is any of this really “policy”?

Executive agencies prove that the civil service can understand its customers, but they are all too often kept away from policymaking

Then I discovered executive agencies. They were quite different parts of the civil service. They certainly knew their customers. And they were as sceptical about “policy” as I was becoming. Of course, to anyone who knows anything about what were originally called Next Steps agencies when they began to be established in the late 1980s, none of this is a surprise. This major civil service reform (perhaps the most significant and sustained of the last 50 years) was designed to give the heads of “delivery” organisations responsible for things like issuing passports and benefits, often recruited from outside the civil service, managerial freedom from Treasury and other rules, in support of improving these organisations’ efficiency and effectiveness.

I really got to see how this operated in practice when I found myself working alongside the prison service, first at the Home Office and then at the new Ministry of Justice. I was really impressed. They really understood their (involuntary) customers, the prisoners. They knew which were at most risk of escaping, or of committing violence, they knew which were most likely to reoffend as soon as they finished their sentence, and which were most likely to be persuadable not to do so again. However, there was very considerable tension between the service and their policy civil service colleagues, despite the fact that they all worked in the same department, for the same secretary of state.

Whilst I was not part of the prison service myself, and would have been categorised as a policy civil servant, my sympathies were often with them. There was no doubt what



their jobs were: operating prisons. Keeping prisoners behind bars in accordance with their sentences, and doing whatever rehabilitation might be practical while they were inside. But could one define the work of policy people as clearly? Their jobs were to advise ministers on how best to achieve the outcomes they sought, and oversee implementation. What did that mean in practice in my part of the ministry? Well, in my time it meant advising John Reid, followed by Charlie Falconer, Jack Straw and finally Ken Clarke on how best to reduce reoffending. But were we better placed to do this than the prison service itself? This was their area of expertise, not ours. We came and went. They stayed and learned.

Of course, there is always a need for fresh blood, for new ideas, for strategic thinking and so on. But I was far from convinced that the ministry needed a completely separate and well-resourced policy division, full of people – like me – who knew much less about rehabilitation than the prison service did, but who were nevertheless seen as having the lead responsibility for advising ministers, and then telling the service what to do as a result.

Policymaking has always been distant from its customers

When I started asking questions about the model, I learned that it had been criticised in precisely these terms for many years, most famously in the Fulton report for Harold Wilson in 1968, which concluded:

“There is not enough contact between the Service and the rest of the community. There is not enough awareness of how the world outside Whitehall works, how government policies will affect it.”³

“The Service is still essentially based on the philosophy of the amateur (or ‘generalist’ or ‘all-rounder’). This is most evident in the Administrative Class which holds the dominant position in the Service. The ideal administrator is still too often seen as the gifted layman who, moving frequently from job to job within the Service, can take a practical view of any problem, irrespective of its subject-matter, in the light of his knowledge and experience of the government machine.”⁴

So far as I could see, the situation certainly didn’t seem to have improved very much at all in the intervening 40 years, at least in this respect. In fact, while the Next Steps reforms had clearly improved the capability of the “delivery” arms of the civil service as intended, I was beginning to wonder if they hadn’t accidentally made the policy “generalist” problem more acute. After all, if it’s the job of the agencies to talk to their customers and to deliver, then why would policy people need to? I thought the answer to that question was easily answered with a question of its own: how can you possibly design an effective rehabilitation policy if you don’t spend a lot of time with prisoners? To be fair, I learned subsequently that in some parts of government, good work had been done to encourage policymakers to collaborate with their delivery colleagues, something which I explore further later. But Fulton’s “generalist” seems just as visible in Whitehall today as 50 years ago, and provides an excellent description of what it takes to get to the top.



... in some parts of government, good work had been done to encourage policymakers to collaborate with their delivery colleagues”

Shortly after my time in the Ministry of Justice, Anthony King and Ivor Crewe published *The Blunders of Our Governments*.⁵ It describes a long list of failures over the 30 years to 2010, from the poll tax to the Millennium Dome, via the Child Support Agency and tax credits. Having done so, they turn to the question of why all these failures happened. I was fascinated to read their description of two key disconnects:

- ♦ the “cultural disconnect” between ministers and their civil servants on the one hand, and the public on the other, by which they meant that the former all too often failed to understand the way that the latter would actually behave when what might seem like a jolly good policy idea in Whitehall was actually rolled out; and
- ♦ the “operational disconnect” between policymakers and those who have the task of implementation (or delivery, to use the modern word).

This precisely matched my experience over the previous decade. Cultural disconnects were inevitable if policymakers didn’t spend their time with the customers. And operational disconnects were equally inevitable if they saw themselves as quite distinct from “delivery” people and agencies.

As King and Crewe made clear, this is a problem for ministers as well as civil servants. I certainly have my own perspective on the former, and agree with those who have argued that the increasing trend over recent years for politicians to go straight from university to think tank to special adviser to MP to minister is making things worse. I also agree strongly with the case for much more ministerial training. But I reject the argument sometimes offered rather defensively on behalf of the civil service that it can’t address its weaknesses unless ministers do so too. Or that these weaknesses are the fault of ministers. Clearly civil servants are more effective when their ministers are highly capable. But I have never seen any minister standing in the way of policymakers trying to improve their understanding of the reality on the ground. Quite the reverse, such expertise is typically welcomed.

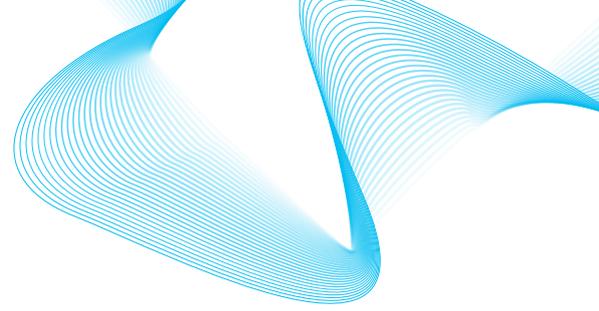
My experience as a permanent secretary only reinforced what I had already come to see as Whitehall’s policymaking problem

When I joined the Department for Education in 2016, I learned all about one of the blunders which King and Crewe had written about – the introduction of “individual learner accounts”. The basic policy idea was that adults without qualifications would be encouraged to gain them by being given money to spend on retraining. What actually happened was that the money was spent instead largely by two other groups of people. Some by people who had already got plenty of qualifications but fancied some more. And most of the rest was spent by fraudsters on fake courses as a mechanism for channelling the money into their own bank accounts. Policymakers hadn’t foreseen either of these problems until it was too late. Cultural and operational disconnects really do matter.

But have things been getting better since then?



Cultural disconnects were inevitable if policymakers didn’t spend their time with the customers”



Well, in 2017 I inherited from the business department responsibility for the apprenticeships programme, a priority of Theresa May's government. Two teams transferred across – a “policy” team from head office, and a “delivery” one based in one of the agencies. As normal, the delivery team was headed by someone who was hugely knowledgeable about and committed to the subject, with strong connections across the sector, but without much experience of “handling” ministers. And just as normal, the policy team was headed by someone without any background in the subject matter at all, but very good at working with ministers. I decided that this was one team too many, and merged them. I then had to choose between two leaders. I decided it would be a lot easier for the one with deep subject-matter expertise to learn how to communicate with ministers than for the ministerial-friendly one to learn deep subject-matter expertise, so I chose the former. Then I sent him to Germany with the secretary of state, who wanted to learn from the world's best. This turned out to be a very good way to learn how to engage with ministers. And his leadership of the team ensured that DfE's work on the programme was well grounded in what was achievable in practice, as well as informed by a rich understanding of employers' and employees' training needs.

The meeting I held with the staff of the newly-merged apprenticeships team was a fascinating one. The policy people were dismayed to be joining a delivery-led team. If I'd realised this is what you were going to do, I wouldn't have come, said one, because I wanted to *do policy*. I thought you wanted to *do apprenticeships* was my reply. Seeing policy as an end in itself is precisely the problem.

And my last work before leaving the Department for Education in 2020 was on the response to the first months of the Covid-19 pandemic. A public inquiry is the right way to try and get to the bottom of what was done well and what badly, by whom and why. But I have no doubt that it will find plenty of cultural and operational disconnects. It will presumably explore my own department's record on opening and closing schools, for example, and on providing support (or not) to those left at home, to say nothing of the exams fiasco. This paper is not the right vehicle for my own assessment of what happened and why. And anyway, I'm hardly an objective party. So let me just say that there was a huge disconnect between the conversation in Whitehall on subjects like who “should” go to school, when and how, and the reality on the ground. It is all very well for ministers and senior civil servants to announce, say, that pupils with special educational needs should continue going to school, or that primary schools should reopen to all pupils while the rest of us are socially distancing, but will it really happen?

For me, one of the most significant cultural disconnects of all looks to have been the difficulty that ministers and senior civil servants seem to have had in imagining how today's public would change the way they went about their daily lives in response to the threat of a deadly virus round the corner. To take an example, isn't it interesting that the dry-run exercise carried out five years ago was set seven weeks into a theoretical pandemic, with approaching 400,000 excess deaths,⁶ and the health secretary being asked to turn patients' ventilators off?⁷ It seems implausible that it is only with hindsight that we can say the public might have been expected to change their behaviour quite drastically well before 400,000 of them had died. That people's attitudes and behaviours have changed rather a lot since Spanish flu a century ago.

There was quite a lot of commentary at the beginning of the pandemic to the effect that the British people couldn't be expected to accept authoritarian demands from their government to stay home. But that was to miss the point – the ultimate cultural disconnect – that people would take action to save themselves from catching a potentially fatal illness by staying away from others wherever possible, whether the government told them to or not.

And there has of course been no shortage of very serious operational disconnects, of which testing and PPE are only the most high-profile examples. Whereas, as Kate Bingham has written persuasively, the success of the UK's vaccination development programme seems to have been down in large part to operating outside Whitehall's constraints, and the success of the rollout belongs to the NHS.

There are encouraging examples of civil servants operating differently, but that hasn't been enough to change the dominant culture

Given the fact that this lack of engagement has been with us for as long as anyone can remember, and is just as strong today, it would be possible to conclude that there is nothing to be done. When I have discussed the problem with colleagues in the past, some of them have suggested that a focus on short-term "fixing" rather than sustainable change on the ground is inevitable in the context of a highly combative, largely two-party system, operating under the spotlight of a 24/7 media. And right now, many civil servants are battling hard just to stay afloat. The challenge of managing Brexit for a divided government, followed by the worst pandemic for a century, has been and remains exhausting. They might be forgiven for glazing over when I make the case for reform.

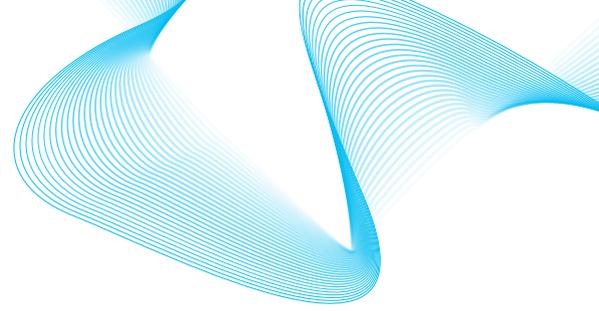


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But at the same time, they look back with pride to those times in their careers when they have been able to achieve really positive outcomes on the ground, for example in bringing Sure Start into the world, working collaboratively, connecting with local communities. Indeed, the Department for Education of the late 1990s and 2000s reached out to schools and colleges in a way it had never done before, not least because of the influx of new blood (Michael Bichard, Michael Barber, Peter Housden and others from local government; David Normington and others from the much more operational Employment Department) And over the years I've worked for the civil service I've certainly seen example of civil servants at all grades who were clearly very connected to operational realities, and constantly thinking about what would work in practice.

In fact I'm watching a very impressive example of connectedness inside government right now. I can see how one particular team in one particular department is constantly talking to and learning from its customers and to the people who will have to deliver the policy. The very fact that it is still visible to me now that I've left demonstrates how effectively that team is engaging with the world outside Whitehall.

However, when I asked the policy director leading the team whether she thought she was an example of the civil service changing, her answer was that she certainly doesn't see a critical mass forming, despite the support of her permanent secretary.



... tackling disconnectedness needs more than one-off examples, good intentions, individual enthusiasts and external recruits”

She felt that she was having to operate in very counter-cultural ways, and that the reason she was doing so was because she had spent most of her career outside the civil service, working in situations where customer focus and operational realities were a core part of the role. So, arriving as a confident leader in mid-career, she was determined to take these ways of working with her, even though she has faced barriers in doing so. Having the support of her permanent secretary has been vital. And whereas the more traditional, risk-averse approach is to avoid engaging too proactively, in fact the politicians she works for are delighted, not only that she really knows her stuff, but that they are hearing directly from the frontline how pleased people are that they are working with someone who really cares.

Unfortunately I've seen more examples of senior people coming into the civil service from outside, seeking to bring in these ways of working, and finding the experience just too frustrating. For some, this can be because they haven't really understood the inevitable constraints of politics (there's no point being disappointed that your plans might be disrupted by the results of the next general election!). But for others – for example those with plenty of prior experience of working for politicians (eg in local government) – the cultural and operational disconnects are often just too much to bear.

It's not just outsiders who can find the experience frustrating. In the Department for Education, the dedicated team of civil servants responsible for developing new ways of helping adults to retrain were working closely with those who were most affected at the frontline, trying things out, learning from what didn't work, in fact quite the opposite of disconnected. But the system seemed stacked against them. In their case, they were particularly frustrated by the Treasury's requirement to announce the policy solution, and the timetable for and cost of its implementation right up front. Whereas the best (and indeed only) way to succeed was to operate iteratively. As a matter of fact, the Treasury's approach is often a serious problem for policymakers who want to deliver. But that's a complex subject which warrants its own paper – watch this space.

I have also seen good work from Policy Lab, a Cabinet Office-based team whose specific brief is to help departments design services and policies around the needs of their customers. But it's a small team, with no budget (departments have to pay if they want its help), which indicates how much priority it's given. Rather ironic, I thought, when I asked a minister in the Taiwanese government what the inspiration was for their embrace of user-centred design, something which has captured internal attention, and part of his answer was our Policy Lab.

So tackling disconnectedness needs more than one-off examples, good intentions, individual enthusiasts and external recruits. Important though each of these are, they will never be enough without great, sustained leadership which promotes, encourages and incentivises different ways of working over the medium term. It is this that I turn to next.

2. The solution

(A) The need for determined leadership to achieve a cultural shift to a fully-engaged Whitehall

Leadership from the top has been essential for changing the way the civil service works in the past, and is needed today to challenge its established culture of remoteness

I have seen at first hand the impact that a determined and self-aware head of the civil service can have. When Gus O'Donnell took on the role, he told us all about the importance of four "Ps" – pace, passion, pride and professionalism. I was very struck by the first two Ps in particular – whatever the UK civil service was famous for, it wasn't speed, and it prided itself on being dispassionate. But O'Donnell wanted something different, and it wasn't just words. I remember an email from him asking me to write to all permanent secretaries with my plan for how we might develop and implement his flagship reform effort (departmental capability reviews). The email said get it done by Friday, as pace was more important than honing it to perfection, something which was literally the opposite of what I'd seen in the service before, and so I realised that his Ps were going to be real.

More than anything else, O'Donnell tackled the absence of collaborative leadership head-on. We saw it in the way he modelled his leadership of the top team, working in partnership with senior colleagues, and with the support of expert coaching, something which might previously have been seen as a sign of weakness rather than the strength it clearly was. We also saw it in the way he worked with the next tier down – bringing the most senior 200 civil servants together regularly to lead and work together. It wasn't just internal either – a major part of the argument was that people needed to work together across silos if they were going to meet the needs of the public, whose issues typically don't fit neatly within individual departments' boundaries. So he sent us out to the frontline too. A few of my senior colleagues were dismissive, of course: "What are we doing at a job centre in Hounslow of all places?", I remember one exclaiming. That's the underlying culture talking, of course, but O'Donnell's personal leadership meant they just had to do it.

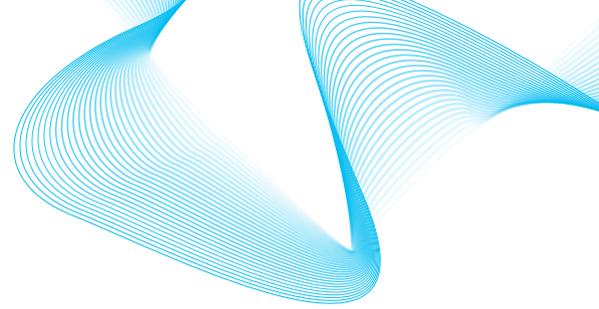
Another tangible change he brought about was in tackling the male dominance at the top of the civil service. This had to stop, O'Donnell announced, and, sure enough, bit by bit the proportion of female permanent secretaries rose to 50 per cent. Or to take another example, it was O'Donnell who pushed the civil service to add behavioural economics to its armoury – in essence, the importance of thinking about why people behave as they do, and what would it take for them to change these behaviours.

Interestingly, O'Donnell didn't have any more operational experience than his predecessors or successors before becoming cabinet secretary. What he did have, however, was a lot of self-awareness, and the confidence to reach out for help. Furthermore, the reform agenda I've described was his, albeit that of course he had to secure ministerial approval. All of which shows what the service can achieve itself if the willingness to change is there.

A similarly comprehensive and determined approach could be really effective in tackling the systemic challenge of cultural and operational disconnects. So long as it



I have seen at first hand the impact that a determined and self-aware head of the civil service can have"



confronts the reality of *why* these disconnects exist head-on, rather than – as so often in the past – papers over the cracks.

Churn needs to be fixed, but progress will only be made if leaders tackle the cause of the problem, not its symptom

There have been many attempts to tackle the “churn” of Whitehall’s policymakers: civil servants who – as Fulton said over 50 years ago – move from job to job far too quickly. And indeed, reducing churn would make an important contribution to tackling disconnects, as the longer you stay in post, the better you understand your subject matter. But excessive churn is a symptom of the service’s disconnectedness from delivery and the public, not its cause. If your success as a policymaker is measured in large part by your ability to help ministers with short-term fixes, then you are going to want to have as many of these opportunities as possible, working for as many ministers as possible, and churn will be inevitable.

Hence a problem described in 1968 by Fulton as follows:

“It cannot make for the efficient despatch of public business when key men rarely stay in one job longer than two or three years before being moved to some other post, often in a very different area of government activity”.⁸

Which has actually got significantly worse since then, as the Institute for Government found in 2019:

“In six departments, a new minister will find four in 10 of their senior officials have been in post less than a year ... Such brevity in role compares poorly with other civil services around the world and equivalent private sector organisations”.⁹

Critically, they point out that:

“officials think that promotion prospects are enhanced by acquiring generalist policy skills and gaining experience of working in a variety of high profile roles on Ministerial priorities ... Mid-ranking policy officials told us that they are strongly encouraged by managers to move on after 18 months in a job and get experience in a range of roles”.¹⁰

So excessive churn can only be tackled successfully if policy officials are instead rewarded for what they actually achieve on the ground, something which normally takes a lot longer than 18 months.

As well as being immoral in itself, Whitehall’s lack of diversity is another key reason for its disconnectedness, but again can only be tackled successfully by leaders who get to the root cause

The lack of diversity among policymakers, particularly when it comes to class and geography, clearly contributes to cultural disconnectedness too: we are much less



... excessive churn is a symptom of the service’s disconnectedness from delivery and the public, not its cause”

likely to understand the concerns of people very different from us, and if most of us are very similar to each other, we are much more likely to fall into the “groupthink” trap.

I have seen no shortage of plans to improve things, and indeed I worked hard on this myself at the Department for Education. I was proud of our success in promoting many more black and Asian staff into senior roles. But I remember the department’s first non-white director general saying that, despite this progress, he was confident that he wouldn’t have reached this level of seniority if he hadn’t been to the “right” university, and spoken with the “right” accent.



Transforming the diversity of the policy profession can only be done successfully if we reject the primacy of “emotional detachment”

The Social Mobility Commission analysed this issue extensively in their 2021 report *Navigating the Labyrinth*.¹¹ They concluded that “the proportion of senior civil servants from high socio-economic backgrounds is higher today than in 1967 (although this partially reflects the widespread expansion of professional and managerial jobs since the 1960s)”. After interviewing a large number of civil servants at different grades and with different backgrounds, they coined the phrase “studied neutrality” to describe a “cross-cutting and unwritten behavioural code that underpins notions of ‘merit’ in ... prestigious professions like policy, and within the Senior Civil Service.”

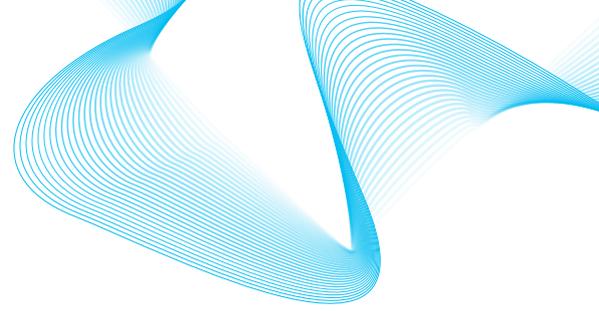
The report describes studied neutrality as:

“incorporat[ing] a particular RP accent and style of speech, an emotionally detached and understated self-presentation, and an intellectual orientation to culture and politics ... synonymous with an advantaged background. In contrast, regional accents are cast as impinging on this embodiment of neutrality, with those from working class backgrounds frequently reporting ‘feeling misread as aggressive, loud or too passionate’.”

Transforming the diversity of the policy profession can only be done successfully if we reject the primacy of “emotional detachment” and “an intellectual orientation to culture and politics”. And what is emotional detachment if not a cultural disconnect? Likewise, intellectual orientation equals operational disconnect. Tackling these disconnects will improve diversity; leaving them in place will prevent things from changing, however hard we might try: at its most straightforward, people “not like us” will be rejected.

What matters is what is rewarded

The challenge therefore is to address disconnectedness head-on, rather than its symptoms. How best to do this? Well, as I have already argued, I think we can learn a lot from Gus O’Donnell. Isn’t it interesting that “passion” was one of his key watchwords – the very opposite of “studied neutrality”? O’Donnell had sufficient influence to ensure that new permanent secretary appointees were disproportionately women until gender equality had been achieved. So the top of the civil service equally has it within its power to commit, say, that no one will be promoted to the post of policy director general (the most senior policymaker in each department)



without having learned about operational realities by spending serious time in customer-facing delivery, and being able to demonstrate how they have engaged actively and regularly with the public. Of course, they will also have to have acute political handling skills too – ministers will always want these in abundance, and why not? – but there is absolutely no reason why these should be seen as incompatible.

Ambitious civil servants will respond accordingly, so long as they are convinced that what has been said is definitely going to be acted upon. They will be sceptical – we have all seen far too many examples of powerful-sounding statements that turn out not to be worth the paper they were written on. But if they see a high-flying policy director turned down for promotion because he or she has never run anything, they will immediately start considering how to develop that side of themselves.

I'm not talking about short-term secondments to investment banks here. I mean three years managing something big, like job centres, courts, prisons, local authority departments or their private sector equivalents. As the civil service has taken on responsibility for running more and more things which used to be run by local government, and as a consequence too of the development of agencies, there are many more opportunities for policy people without serious operational experience so far to get them, without even leaving the civil service.

Again, there are some examples for the leadership of the civil service to draw upon. When Robert Devereux became permanent secretary of the Department of Work and Pensions in 2011, he inherited a silo-based structural model. I had taken part in DWP's first capability review (another of O'Donnell's initiatives!) in 2006, and we were struck by the way in which each of DWP's agencies – responsible for benefits, pensions, child maintenance, etc – operated very much at arm's length. We concluded:

“... strong individual leadership does not consistently lead to strong collective role modelling – Executive Team members were described [by staff] as a group of chief executives and the team as a holding company with low visibility. Unless the centre, agencies and stakeholders work as well together as they should, quality, accuracy, customer service and value for money will suffer”.¹²

Devereux took a very deliberate decision to bring the agencies into the heart of the department. What senior leaders in the department told me when I worked alongside them was that policy *and* delivery people now work closely together – as one put it to me, a policymaker can come up with a new idea one day, and the department can be testing out whether or not it's actually going to work in practice in a job centre the next.

Devereux also saw the opportunity to develop the careers of his senior people in ways which would enable them to grow a combination of policy and delivery skills. JP Marks is a great example: at the time of writing he was the director general for DWP's operations for work and health services, leading a team of nearly 60,000 colleagues, delivering services to over 10 million customers. But no one would have predicted this when Marks was principal private secretary to the secretary of state for work and pensions, following the traditional policy career of the civil service fast streamer:

Treasury, policy analyst and speechwriter to the chief secretary. Well, no one but Devereux, who saw that the right way to develop Marks was to move him right out of his comfort zone into some serious delivery roles. He took on the challenge of Jobcentre Plus in London, as well as studying for an MBA and further training at the Major Projects Leadership Academy, followed by a combination of operations and change projects at scale. All of this has enabled Marks to understand organisational leadership and delivery from ministerial, strategic and frontline perspectives and, I would argue, cope with the challenges of the pandemic (shortly after writing this it was announced that Marks has been appointed permanent secretary for the Scottish government – many congratulations!).

This is precisely the sort of career development that should be pursued right across the civil service. And in both directions, of course – enabling people with strong delivery skills to improve their understanding of policy, just as much as the other way round. It's easier to organise for those departments like DWP which manage both policy and delivery, rather than those, like the Department of Health and Social Care, which don't deliver services themselves. Arranging three-year secondments between the civil service and the NHS or local government is more difficult than switching people between different jobs in the same department. But it can and, I argue, must be done if the service is going to really tackle disconnectedness.



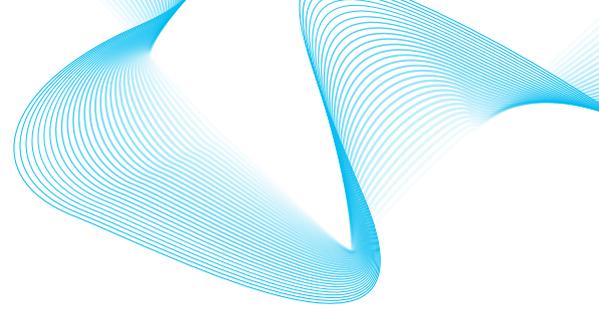
... we should avoid the notion that open recruitment is always the right thing”

Making this a reality also requires a more thoughtful approach to open, external recruitment than is sometimes demonstrated. Clearly there is a lot of benefit in testing the market when filling a post (and I am a beneficiary of that myself!). But there is also a lot of benefit in developing the careers of civil servants so that they become more effective. So we should avoid the notion that open recruitment is always the right thing.

My experience at the Department for Education was revealing

The DfE I joined was very much in traditional policy mode, despite the reforms of the late 1990s I mentioned earlier. No doubt this is an exaggeration, but it seemed as though normal service has been resumed once the “new blood” had moved on. The department's Next Steps agency – responsible for funding schools and colleges – operated at (a long) arm's length away from policymakers. Its chief executive didn't even report to the permanent secretary. And while there was a “school immersion” programme to help policy officials understand day-to-day realities, take-up was patchy, and it lasted no more than three days in total (the first sitting alongside a pupil, the second alongside a teacher, and the third with the head). It was a good programme, which I much enjoyed taking part in upon my arrival. There's nothing like watching a history teacher bringing the subject to life with a group of recently immigrated secondary school pupils to make you consider what you are doing back at the day job to make his task easier (or not!). But is that it? Three days a year? Out of 200?

Contrast this with Germany, where collaboration between national and local is so important that they have their own phrase for communities of professionals working



together in their service area, whether at national, regional or local level: *vertikale fachbrüderschaften*.

We sought to put delivery back at the heart of the Department for Education during my time there. We brought the Education & Skills Funding Agency much more into the action (as per my apprenticeships example above); built up the capacity of the regional offices and connected them to policymaking; and kicked off a cultural change programme whose key message was the importance of putting the “user” at the centre of our work. I attended every induction programme for new starters, and invited them to imagine that the Department for Education was abolished the following day: what, I asked them, would happen next? £500 million would be saved each year in direct administrative costs; you could recruit a lot of teachers for this money. Our hope would surely be that parents, learners and others would demand that the money instead be spent on our reinstatement, on the basis that there was more benefit in funding a national body to ensure that schools are well run, with the right curriculum, examination arrangements and so on. But would they?

We kicked off a series of practical projects like the one which sought – working in partnership with schools across the country – to really get to the bottom of why teachers in English schools work longer hours than most of their OECD counterparts, and what might be done about it. I’m certainly not going to argue that things had been transformed by the time I left, and it is self-evident that we really struggled in our efforts to deal with the huge impacts of the pandemic, as I have already referred to. This sort of cultural change takes years to embed. But I’m proud of the way in which so many civil servants worked so hard to try and connect up with those on the frontline, whatever the political environment. Something which I could see had been recognised by heads and many others in the way they reached out to me when I left. And the staff response to the challenge was very positive too, with morale rising to the very top of the civil service league table (as measured by the annual people survey).

The civil service *can* change if it chooses to

In doing this work we were drawing from DWP’s experience, and also from the Department for International Development, assessed as significantly more capable than any other government department in O’Donnell’s overall capability review programme. Their review concluded: “DfID is a magnet for high-quality, strongly motivated people who are passionate about their mission to tackle world poverty. The vast majority of DfID staff feel proud about their job ... The quality, skills and technical expertise of DfID’s staff are universally praised by stakeholders in the development field”.¹³ As an ex-DfID permanent secretary told me, the department’s civil servants saw themselves as part of a community of professionals working on international development, rather than as civil servants above all else. When moving to a new job they were more likely to move to the World Bank or the UN than to a domestic Whitehall department: *vertikale fachbrüderschaften* in practice.

So I conclude that the leadership of the civil service really does have it within its power to tackle its policymakers’ cultural and operational disconnects if it chooses to do so, as I believe it should. Politicians will have to decide whether they wish to



... we should definitely follow [Singapore's] example of ensuring that all potential permanent secretaries have run a delivery body for at least three years on their way to the top"

do the same for themselves, and clearly it would be much more powerful for both parties to do so together. But if ministers choose not to follow suit for now, that is no reason for the civil service not to put its own policymaking house in order. The key ingredients are (i) strong, determined, consistent messages from the top downwards that this is the top priority; and (ii) rewarding people who act accordingly, and not those who don't. And the beauty of this approach is that, once you start, it's a self-improving system. The people who get promoted are the ones with the necessary leadership skills, and they in turn promote people with those skills themselves.

Of course, it's more complicated than this in practice! If the service chooses this path, there will be all sorts of details to work through, including – for example – some form of career management, to help policymakers with potential make the right career choices to ensure they develop the broader range of capabilities they will need. This needn't be as comprehensive a programme as, say, Singapore operates for its administrative service, though we should definitely follow their example of ensuring that all potential permanent secretaries have run a delivery body for at least three years on their way to the top (as Robert Devereux was doing with JP Marks).

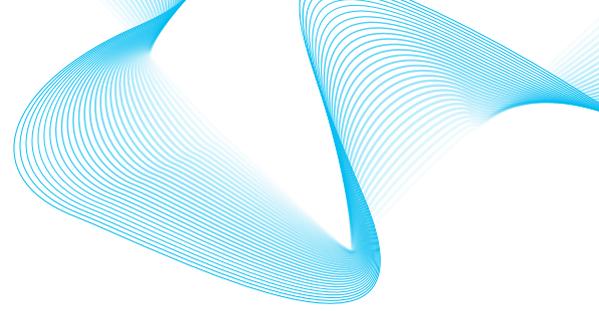
Currently the civil service is developing a plan for “capability-based” pay. The theory is that people should get a pay rise when (and only when) they have improved their “capability”. This could help, so long as we define “capability” as “delivering change well in partnership with our customers and the frontline”. Again, we have to focus on the cause, not the symptoms. But as Margaret Hodge put it after years of reviewing one government failure after another in her capacity as chair of the Public Accounts Committee: “It cannot be beyond the wit of the civil service to devise a career progression ladder with appropriate financial rewards and opportunities for promotion that encourages all civil servants to develop expertise and to stay to see jobs through to their conclusion.”¹⁴

(B) The need for civil service policymakers to be publicly accountable

Policymakers will only be truly connected to the public when they feel accountable to them, but the current arrangements are broken

Determined leadership with a new rewards structure would make a big difference. But would it be enough on its own?

No, and for two reasons. First, change which is reliant on a particular group of leaders may well falter when they leave. After all, as part of O'Donnell's reform agenda, he announced that he wanted to be the last ever cabinet secretary never to have run anything. But he wasn't. Jeremy Heywood was a wonderful cabinet secretary in all sorts of ways. No one was more skilful at guiding prime ministers through seemingly impossible situations. Heywood was also an extremely kind and supportive line manager, as I was lucky enough to appreciate at first hand on more than one occasion when I was at risk of getting out of my depth. And I have learned – since his tragic early death – just how many civil servants, at all grades, Heywood encouraged and



inspired by reaching out to them personally. But he would have been the first to admit that he didn't have the background to continue O'Donnell's reform agenda.

To ensure cultural change is sustained, you need to embed changes in the underlying operating model as well, so that it isn't simply reliant on who's in charge at any one time.

But the second reason why leadership isn't enough is that it is becoming increasingly obvious that there is no effective accountability for policymaking in practice, whatever the theory may say. And without accountability, the quality of policymaking will always be a hit and miss affair, whatever good intentions people might have.

When I talk about accountability I'm not primarily interested in the question of who to sack if something goes wrong. This is often the only question that seems to matter to the media or to parliament. But in my experience public service is a team sport, and it is rarely just one person's "fault" when failure occurs. And, more importantly, our objective should be to improve our effectiveness such that things are less likely to go wrong in the first place: accountability before the fact, not just afterwards.



... without accountability, the quality of policymaking will always be a hit and miss affair, whatever good intentions people might have"

The accountability theory is simple. Ministers account to parliament, and civil servants account to their ministers. Which means that ministers are supposed to ensure that parliament is apprised of the facts (accounting to MPs), and to take the credit and blame when policies turn out well or badly (being held to account by them). Civil servants are supposed to ensure that ministers are apprised of the facts (truth to power), but simply to explain their minister's view to parliament when asked (certainly not offering their own perspective, as to do so would challenge the democratic authority of ministers). They don't take the credit, and are supposed to be shielded from the blame by their minister, who is supposed to rely on civil service management to take disciplinary action if needed.

And as a theory it sounds plausible. But in practice? Sir Richard Scott looked into these accountability arrangements in great detail as part of the "arms to Iraq" inquiry in 1996, commissioned when a trial collapsed as a result of Alan Clark, one of the ministers at the 'heart of the case, famously admitting to having been "economical with the 'actualité' " in answer to parliamentary questions.

Scott's report also addressed the issue of ministerial and civil service accountability more generally. He pointed out that governments "do not submit with enthusiasm to the restraints of accountability ... governments are little disposed to volunteer information that may expose them to criticism ... The enforcement of accountability depends largely on the ability of Parliament to prise information from governments which are inclined to be defensively secretive where they are most vulnerable to challenge."¹⁵

Furthermore, Scott looked into all ministerial resignations up to 1996, and concluded that there was only one example to be found of a minister resigning as a result of departmental failure – Lord Carrington, following the Argentinian capture of the Falkland Islands. Even here, Carrington made clear after the event that he didn't

consider the department to have failed – rather, he felt that his resignation would enable the country to go forward united.

If one steps back for a minute, why should this be a surprise? Which of us doesn't try to avoid being blamed when something goes wrong? Or not to volunteer information which might embarrass us?

To which we should add that the principles of ministerial accountability were conceived when government was a much simpler affair. As the Commons Liaison Committee (made up of select committee chairs) put it in their November 2012 report on select committee effectiveness: “the old doctrine of ministerial accountability ... is being stretched to implausibility by the complexity of modern government.”¹⁶

Speaking truth to power: the exception not the rule

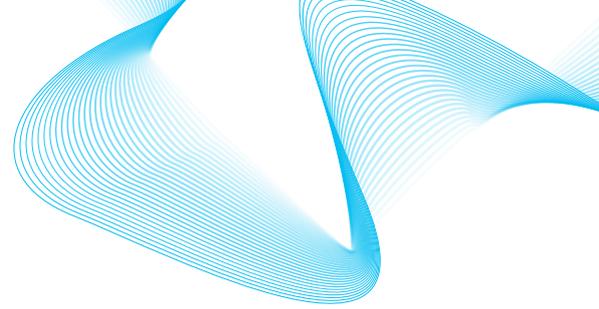
Turning to civil servants, how realistic is it to expect them to speak truth to power? To tell the minister that something they are keen to do is actually going to be highly problematic. That what they may think is going to work actually isn't. This is hard enough in the most benign circumstances. Am I the only loving husband who has a tendency to get defensive and stop listening when my wife gently points out that my cunning plan is nothing of the sort? And which is the workplace meeting least likely to go well, if not the one where you are on the receiving end of “constructive challenge” from your manager?

Now try doing it to the secretary of state, the most powerful person you are ever likely to work for. Someone you may not know well at all. Someone who might have a reputation for refusing to accept challenge. Someone whose disapproval could make a significant difference to your career prospects (please don't think I'm exaggerating – I've seen a number of hard-working, experienced colleagues pushed out of their jobs as a result of a ministerial meeting that didn't go according to plan).

As Martin Stanley puts it in the excellent *Speaking truth to power: how to have people listen to your advice and act on it*: “the truth is that it is difficult to speak frankly to people in power ... Many powerful people aren't interested in detail ... Experts are indispensable but annoying ... no-one likes truly honest feedback”.¹⁷ Furthermore, he points out that “ministers find it harder than people in the private sector to understand or accept challenging advice”.¹⁸

There are undeniably civil servants who rise to the challenge with great expertise. Who understand that most ministers actually do want to hear the truth, even if unpalatable. And who have learned how to give it without causing offence, recognising that their approach will need to change according to the tastes of the particular minister they are communicating with.

But it's surely no surprise that this is the exception rather than the rule. That most civil servants don't take the risk. That they prefer studied neutrality (even with each other, hence groupthink).



It's not that most ministers want to be talked to like this; in fact, they often interpret it as a lack of commitment of the civil service in delivering for them. I remember Justine Greening receiving some written advice, telling her she could do either (a) or (b), depending on her preference. Her perfectly reasonable response was to get her private office to ask for the civil servant's view as to which of the two options would better achieve the outcome she sought. To which the response she got was that "it depends on the minister's steer". In other words, the civil servant felt quite unable to offer a view even when explicitly asked for one by a minister.

I also remember Damian Hinds going out of his way in meeting after meeting with his civil servants to reinforce the importance of them treating his initial comments not as injunctions to be followed at all costs but simply as a contribution to the discussion, when the objective was to get as many ideas out onto the table as possible. He did this very well, but it was striking that he needed to say it over and over again.

And I remember induction meetings of new civil servants, when I would explain that it was our job to offer advice without fear or favour – that this was literally what we got paid for. More often than not, I would be asked if that's really what ministers wanted. Wouldn't it be safer simply to give them the advice we thought they wanted? And this from people who'd only just arrived in the department. My reply was partly that none of the ministers I'd worked for had indicated an unwillingness to listen, so long as we understood that it was their right to decide otherwise. Which of course it is. And partly that the law actually requires civil servants to be objective, impartial and honest, ever since the civil service code was written into legislation in 2010.

Clearly therefore this was a very important part of my job as permanent secretary. I met with the department's directors shortly after my arrival. At the end of the meeting I said that I was struck by what seemed a lack of confidence. After all, they were some of the most senior civil servants in the country, and in charge of overseeing the nation's education on behalf of ministers. Somebody responded by pointing out that I would have understood why if I'd been there in previous years. Since I hadn't been, I don't know the truth of it, but the fact is that many senior people certainly lacked confidence back in 2016, and this inevitably had an impact across the department.

Having the confidence to say what you think, not just to ministers but to your colleagues as well, is absolutely vital if the civil service is going to avoid groupthink. When something goes wrong, it is almost always the case that someone knew it would, but didn't have the confidence to speak up, because they (rightly) feared might happen to them if they did. One of the most important attributes of good leadership is promoting a culture which rewards the inconvenient truth, rather than – as is much more typical, certainly in Whitehall – finding such contributions rather embarrassing and to be avoided at nearly all costs.

I soon had the opportunity to model truth to power in the most public of ways. Ministers were committed to developing a completely new post-16 curriculum with a set of new qualifications, assessment system, funding regime and so on – to be called "T levels". They wanted them introduced in three years, significantly less time than it had taken DfE simply to revise A levels earlier in the decade. Permanent



Having the confidence to say what you think, not just to ministers but to your colleagues as well, is absolutely vital if the civil service is going to avoid groupthink"

secretaries have been required since 2011 to seek a “ministerial direction” on grounds of “feasibility” if they are asked to do something “where there is a significant doubt about whether [it] can be implemented ... to the intended timetable”.¹⁹ That means a letter from their secretary of state, making clear that the minister is happy to take on the risk. The letter is shared with the Public Accounts Committee, so that when they are holding the relevant permanent secretary accountable if something subsequently goes wrong, they know that in fact the decision was taken against their advice.

Obviously I hoped that explaining to Damian Hinds (my secretary of state at the time) and indeed to prime minister Theresa May (the ultimate decision-maker) that a “feasibility” ministerial direction would be made public if they didn’t accept my advice (to give us more time to deliver the policy), would encourage them to do so. Partly of course because I thought we would do a much better job with more time, but also because I’m not completely immune to anxiety myself about the personal consequences of challenging my minister in public.

However, they decided that they would stick with their timetable, which was of course their right – there is nothing wrong with ministers deciding to take on more risk than their civil servants would advise, so long as this is done openly. And so the direction was given. Damian Hinds was a fair-minded, personable and genuinely nice education secretary, so our working relationship was unaffected. And in parallel, my departmental colleagues could see that I really meant it when I was encouraging them to speak truth to power.

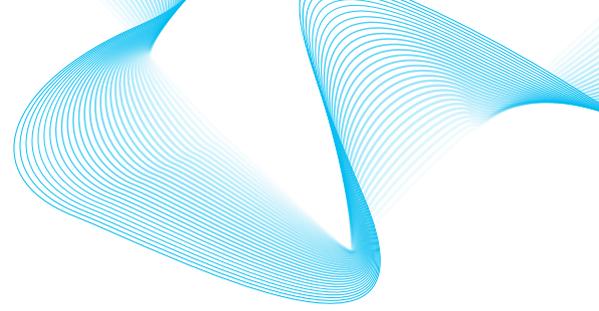
I think we made progress on this over my four and a half years at the Department for Education. It’s impossible to adequately quantify this, of course, though I can point to the people survey results for the department, which show that the proportion of people who felt that they were working in a place where it was safe to challenge rose from 46 per cent to 61 per cent between 2016 and 2020.²⁰

On the other hand, there are plenty of pressures in the opposite direction. When I left the DfE in unexpected circumstances, one of my senior colleagues pointed out that people’s commitment to speak truth to power would be bound to take a hit as a result, however experienced and capable my successor might be, which she certainly is. And while my seeking of a “feasibility” ministerial direction definitely encouraged my colleagues for a time, what was perhaps more significant was that this was the very first one which had been sought on these grounds since they were added to the rule book (*Managing Public Money*) in 2011, not just in DfE but right across the civil service. So it would have been perfectly reasonable for civil servants to see my feasibility direction as the exception which proved the rule.

Whatever their conclusions, the simple fact is that it is less risky not to speak truth to power than to do so. And that emotional detachment, under-statedness and the like, as identified by the Social Mobility Commission, are seen as techniques of self-preservation, of avoiding the risk of disapproval or worse.



... the simple fact is that it is less risky not to speak truth to power than to do so”



A new model of accountability is needed, opening up the secret world of policymaking

When I left the civil service, and decided to spend some of the time now at my disposal to explore the questions addressed in this paper, I wondered if there was anything to be done about this state of affairs. After all, it is fundamental to the UK's unwritten constitution that civil servants work for ministers, and that ministers account to parliament. No system is perfect. And we shouldn't forget that plenty of other countries look to the UK as having a robust, thriving parliamentary democracy and an expert, impartial civil service.

But when I started to look into these issues in the sort of detail that I now had time for, I realised that the constitution offered more flexibility than I had feared. For a start, I learned that there are other parliamentary democracies where civil service advice is made public, most significantly in New Zealand, where almost all reports to cabinet (and much more besides) are published as soon as decisions are made. And when I talked to colleagues who had experience of both that system and ours, they told me that publicising advice there hasn't actually in their view had a "chilling effect" (the fear that civil servants won't write things down if they are going to be published).

There is also the accountability of permanent secretaries to the Public Accounts Committee (PAC) with respect to how public money is spent. This was a regime put in place by the Treasury in the 19th century and jealously guarded ever since. Originally the Treasury gave the responsibility to permanent secretaries (rather than ministers) to account to the PAC for public spending simply because they expected the civil servants to remain in post for longer than the political bosses. But over time it became clear that this arrangement had an additional benefit – acting as an encouragement to permanent secretaries to hold their nerve when advising their ministers. Because *Managing Public Money* requires them to seek a ministerial direction if something their department is being asked to do is likely not to be value for money, or lawful, or in accordance with propriety, or (in more recent years) feasible.

In a democracy it is clearly vital that politicians should have the final say on whether or not to use money in a particular way. Which is why permanent secretaries are supposed to seek a ministerial direction, rather than simply refusing to do what their minister wants. But given that the UK operates a form of elective dictatorship, as Lord Hailsham famously described it, there does need to be a system of checks and balances on the operation of ministerial power. And undoubtedly this system does have an effect. Permanent secretaries are more likely to speak truth to power if they know that the PAC will be asking them why they didn't seek a direction if something goes wrong. All the permanent secretaries and directors general I have ever discussed this with agree that this regime does have a positive impact in encouraging us to offer clear advice when all the other incentives point in the opposite direction. And although it took a long time for the first feasibility direction to be sought, once the precedent had been established, it was followed by more.

So if permanent secretaries' advice on matters of value for money and related considerations is put into the open air in these circumstances, why not on matters of

policy? Wouldn't this similarly encourage the civil service to speak a bit more truth to power?

What stands in the way of this at the moment are the so-called Osmotherly Rules, which set out the basis on which civil servants advise departmental select committees (named after the civil servant who wrote the first version in 1980, shortly after the committees were established). Critically, they state that civil servants “providing evidence to Select Committees do so under Ministerial agreement and instruction” and “as representatives of their Ministers”.²¹



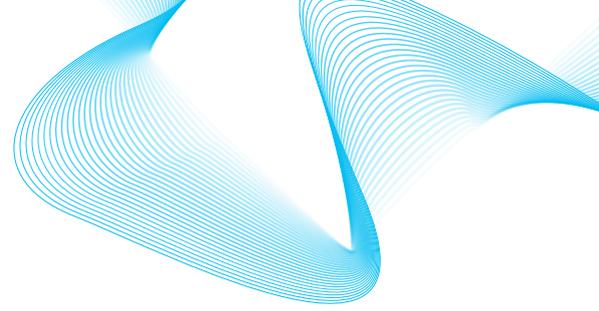
The clear conclusion I reach is that it certainly wouldn't be unconstitutional for civil servants to account to departmental select committees for their advice”

However, the Osmotherly rules have never been formally approved by parliament. In fact, according to historian Peter Hennessy, in 1984 the then leaders of the main opposition parties (Labour, Liberals and SDP) pledged to reform the rules.²² Six years later, the decision of the Commons Procedure Committee – the select committee responsible for considering the practices and procedures of the House – not to challenge them was described as “extremely feeble” by Lord St John of Fawley, who was leader of the House when the system of departmental select committees was introduced in 1979.²³

After a further six years, Sir Richard Scott's report into the export of arms to Iraq further reinforced the case for change. After all, if a QC could publicly quiz civil servants about their advice, as Scott did, why not parliament? But the relevant select committee which considered his advice on developing civil service accountability to parliament found itself in dispute with the Major government on the issue, and the status quo prevailed.

The clear conclusion I reach is that it certainly wouldn't be unconstitutional for civil servants to account to departmental select committees for their advice. Rather, the reason we don't is because – to date – ministers haven't wanted us to, and parliament hasn't insisted on their rights. Which they undoubtedly have, as David Davis discovered to his cost when, as Brexit secretary in 2017 he found himself compelled by parliament, despite his best efforts, to publish the 57 so-called “impact assessments” he said the civil service had prepared for ministerial consideration.

It's not difficult to see why things don't change. After all, it is rather convenient for both ministers and civil servants to operate a system in which, in practice, neither party is actually held accountable. Civil servants are able to claim that ministers are supposed to be accountable, rather than them, but ministers know that in reality they are unlikely to have to take the blame if things go wrong. While parliament has the right to change things, the government is normally more determined, and certainly much better resourced. And anyway, any changes would need to be made carefully. There is a perfectly respectable argument made frequently to the effect that shining a light on the difference between ministers' views and those of their civil servants would lead to a breakdown in trust between the two parties, and worsen the effectiveness of government as a result.



Accountability to the public would improve policy advice to ministers

However, my view is that careful change could and should be made. I am not arguing that select committees should be invited to explore the difference between a minister's judgement as to the right policy to be adopted and that of their civil servants. As a matter of fact, in most cases I think the very notion of civil servants having a professional view as to the "right" policy is misplaced. Surely the point of politics is that decisions aren't "right" or "wrong", but depend on your political viewpoint? Conservative politicians will tend to favour policies which prioritise opportunity over equality; Labour politicians the opposite. Civil servants will often of course have their own personal views, as none of us is without any political perspective at all, but that is no reason to recommend them to ministers or to anyone else. Rather, as an impartial civil service, it is our job to understand what our ministers are seeking to achieve, and then to set out for them the risks, challenge, opportunities, evidence and so on, expertly and without fear or favour.

When I started this work, I would not have been able to name the head of the civil service in 1976. But Peter Hennessy drew my attention to Sir Douglas Allen (Lord Croham) when he heard what I was looking at. Because the prime minister at the time, James Callaghan, directed Lord Croham "to publish as much as possible of the factual and analytical material which is used as the background" to policy decisions. The Croham directive was duly published. Despite Croham's apparent enthusiasm, it didn't really happen in practice. And only four years later the Osmotherly rules changed all that.

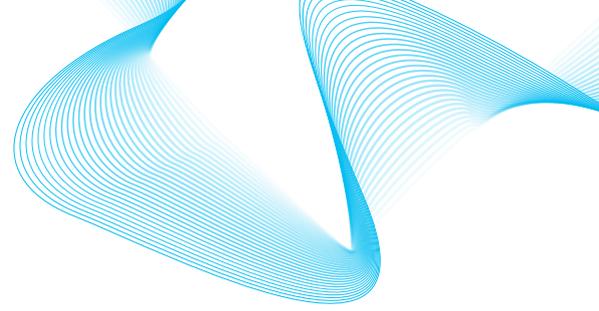
However, the story demonstrates that change is definitely possible if the will is there. Now is the time for a new set rules, ones which make clear that departmental select committees absolutely do have the right to quiz civil servants on the analysis, evidence, and risk assessments they do. And to give them the resources to enable them to do this job well. I am thinking here of the way in which the Public Accounts Committee is supported by the National Audit Office, which carries out detailed reviews on the committee's behalf and then briefs them on its findings, to support the MPs in holding permanent secretaries to account. Interestingly, the NAO is starting to provide input into some departmental select committees' inquiries with the PAC's approval, so there is something to build upon. The NAO is also starting to review departments' work in real-time, which again is a promising development, as the most useful feedback is of course that which is offered before something goes wrong, rather than after.

It would no doubt have been a pretty challenging occasion were I to have been called to a meeting of the Education Select Committee to explain the options appraisal we were doing into, say, how one might operate an assessment regime rather than traditional exams while schools were closed because of Covid-19. Or to a meeting of the House of Lords Public Services Committee to answer questions on the analysis we were doing into how to mitigate the impact of closed schools on the most vulnerable children. But I am sure that the discipline of having to do so would have led to better appraisal of the potential options, just as they used to when I worked for Islington. And that ministers would have been better served as a result, able to draw upon a more well-informed analysis to inform their decisions.

It is sometimes argued that putting policy advice in the public domain would actually reduce the amount of truth to power even further, as civil servants would not want their rejected advice being made public. Part of my answer is that this does not appear to have been the experience in New Zealand, now that policy advice is published, just as it wasn't my experience in local government either. But more importantly, what I am arguing for is opening up the policymaking process *before* decisions are made, not just afterwards as in New Zealand. Requiring civil servants to be able to explain openly the range of options available to ministers, and the delivery and other implications of each of them, is a critical element in local government officials' greater connectedness with the needs of the public.

If government chooses not to take the initiative in this way, then parliament could insist, as is its right. Whether or not any of this happens is a matter for others, of course. But history shows us that reform can and does happen. The creation of departmental select committees themselves in 1979 is a great example of what can happen if careful preparation is followed by determined political leadership, often (as in this case) through the combination of a new government ambitious for reform, an equally reform-minded leader of the House of Commons, and some experienced backbenchers. Likewise the 1997 reforms which made the select committees much more independent of government.

Conclusion

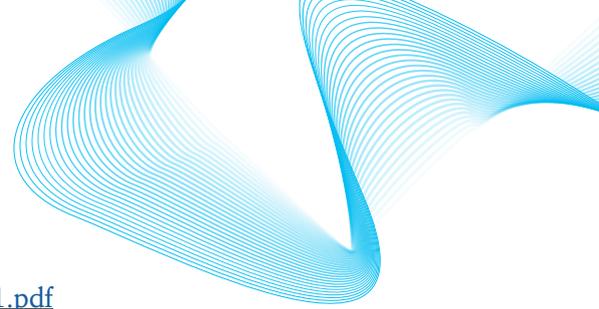


So that's my argument. That civil servants' contribution to the blunders of the sort catalogued by King and Crewe will continue until they openly acknowledge their disconnectedness from delivery and the public, as well as the flaws inherent in the dominant Whitehall culture of studied neutrality, and tackle these head-on. Civil service leaders can make a big difference by rewarding connectedness and, as Gus O'Donnell put it, passion. But if this were twinned with parliament "taking back control", to coin a phrase, this might well be irreversible.

When the conditions will be right for any of this, I don't know. But I have learned during the writing of this paper that there is much more support for these sorts of changes than I had thought when I started it. I have been encouraged by ex-cabinet secretaries, ex-cabinet ministers and select committee chairs, civil servants, academics and others too. There are plenty of people at all levels in the existing service who want change. Who know that the status quo is failing the public. And that this failure is getting ever more serious. If everyone who wants change comes together to demand it, anything is possible.

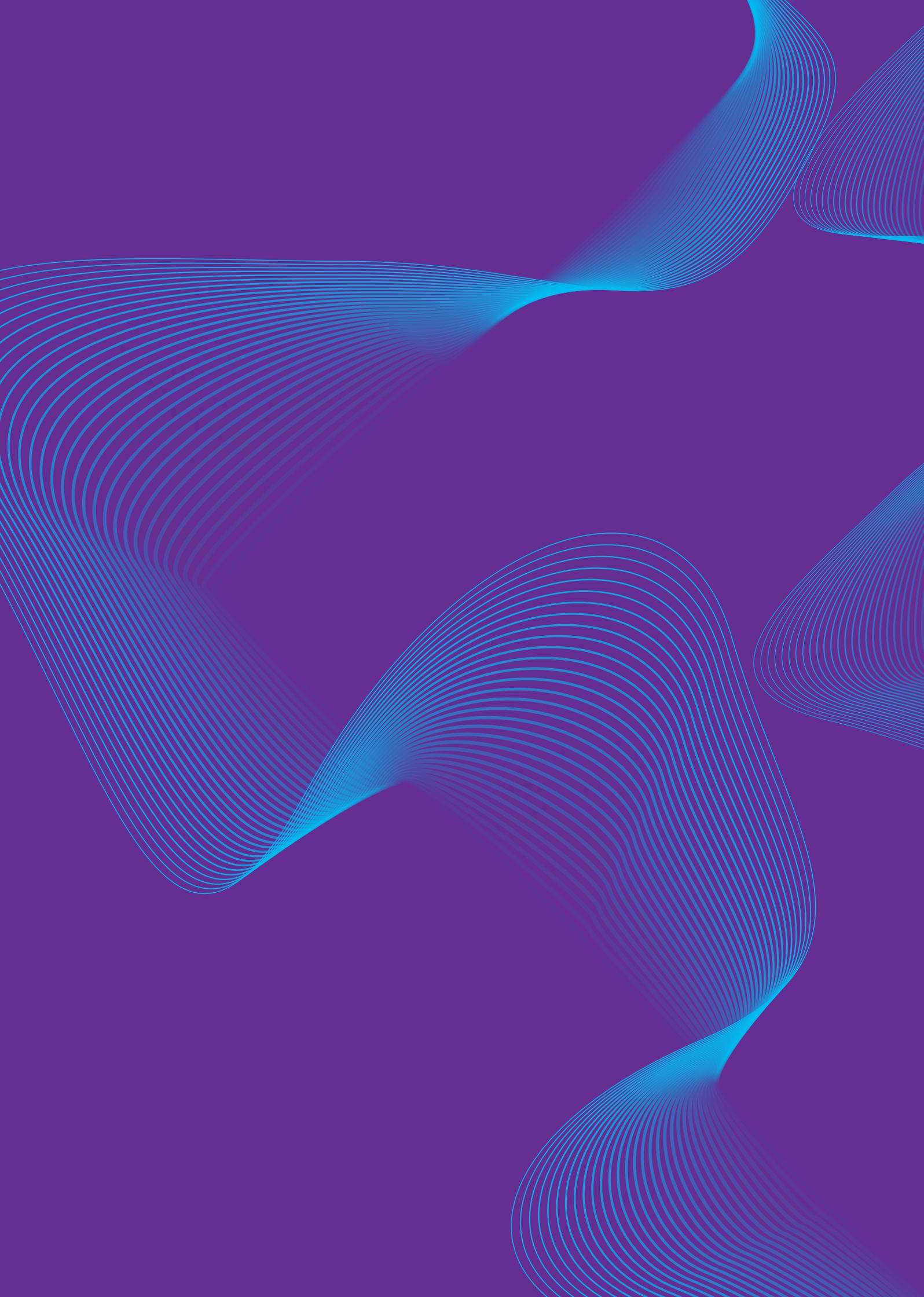
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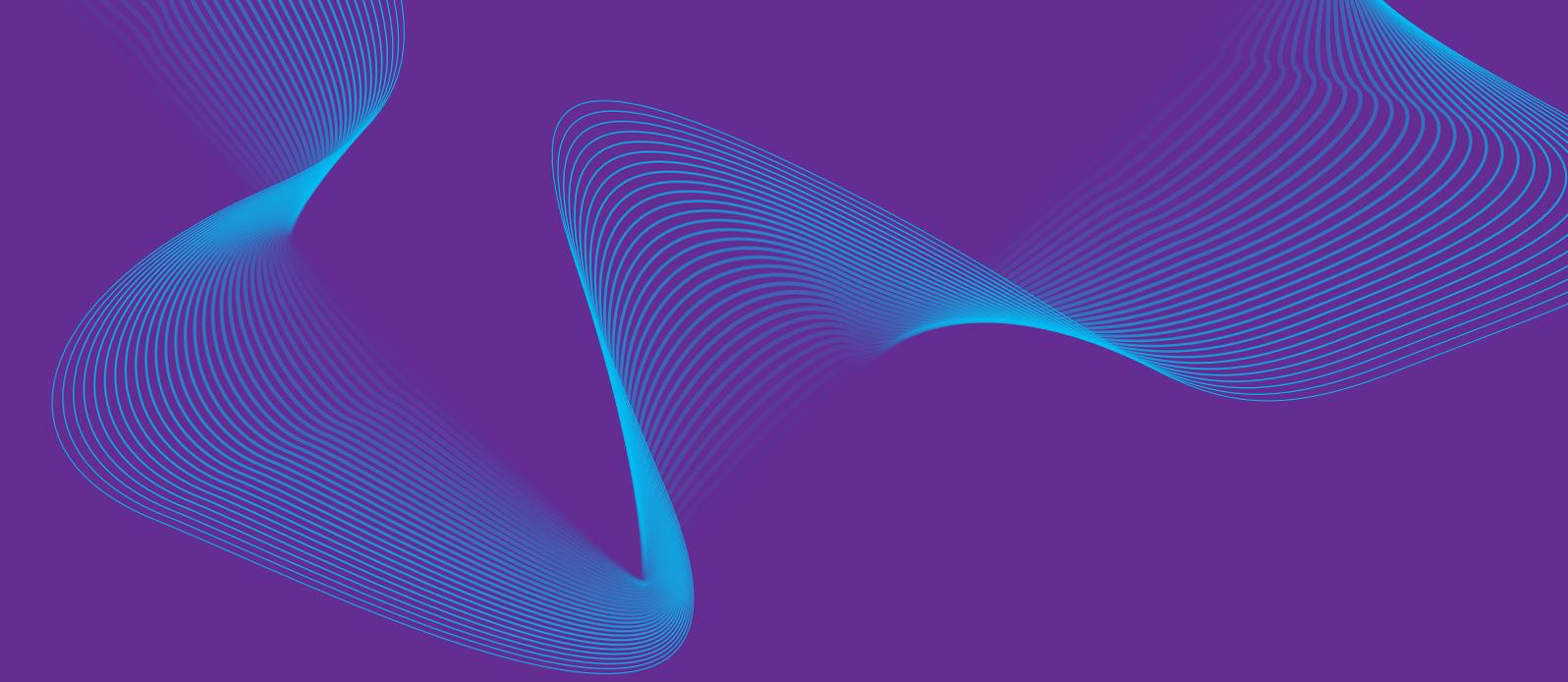
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